IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.3182 OF 2004

Ashok Hari Bhagat. .. .. Petitioner
v/s.
Union of India & ors. .. .. Respondents

Mr.P.V.Nichani i/by Mr.Yogendra Kanchan for petitioner.

Mr.Kiran Kandpile for res.No.1.

Mr.P.M.Pradhan for res.Nos.2 & 3.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 4TH MARCH 2005

P.C. :

1. Heard Mr.Nichani in support of this petition. Petitioner is present. Mr.Pradhan appears for respondent Nos.2 and 3 and Mr.Kandpile for respondent No.1.

2. The petitioner is an employee of respondent No.2 in a clerical cadre. He had applied for voluntary retirement. Initially, the proposal was accepted but it was to take effect from 5th October 2004. Prior thereto, on learning about some dereliction of duties on the part of

the petitioner, the respondents served him an order dated 27th September 2004 that the earlier order accepting the VRS was kept in abeyance. The petitioner was asked to resume the duties but he did not. That led to his suspension and the departmental enquiry. The charge against the petitioner was that he did not take necessary action in a matter where an SLP was to be filed to the Supreme Court and the Food Corporation suffered thereby.

3. The submission on behalf of the petitioner on the last date of hearing was that the charge against him is a very minor one and his proposal of VRS ought to be cleared. As against that Mr.Pradhan appearing for respondent Nos.2 and 3 informed us that ultimately the concerned matter was carried to the Apex Court and a statement was made therein that appropriate action is being taken against the persons concerned on whose account the SLP to be filed to the Supreme Court was delayed.

4. We are not going to the merits of the matter nor are expressing any opinion in any manner. This is because the learned Counsel

appearing for the petitioner, having taken instructions from him, has made a statement that the petitioner will appear before the Enquiry Officer on Thursday, 10th March 2005. He seeks a representation through a proper representative. That will depend upon the rules which govern such inquiries. He also wants the documents which have already been exhibited in the enquiry. The petitioner may apply to the Enquiry Officer and the Enquiry Officer will furnish him copies of the documents.

5. Mr.Pradhan appearing for respondent Nos.2 and 3 informs us that the statements on behalf of the management witnesses have already been recorded. The petitioner will, therefore, now cross-examine the witnesses of the management and thereafter will lead his evidence in defence, if he so desires. We expect the Enquiry Officer to finalise the enquiry on an outer side within three months.

6. In view of what is stated above, the petition is not being pressed and the same stands disposed of as not pressed.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)